

**REMARKS**

In response to the Final Office Action mailed on December 8, 2009, for the present application, which has been reviewed, Applicants provide the following. The present claims considered together with the following remarks, the arguments below and request for reconsideration are believed sufficient to place the application into condition for allowance. No claims are being amended, added or cancelled. Applicants express appreciation for the thoughtful examination by the Examiner.

The present invention is a computer program for monitoring select Internet activities of a user of a selected computer to which the program is installed. The program acts as a voluntary monitoring program configured to monitor multiple Internet access activities, such as web browsing, file sharing programs, news groups, chat rooms, peer to peer chats, file transfer protocols, e-mails sent and received, and the like.

**Rejection of Claims 1-18, 20, 29-35, 40 and 42 Under 35 U.S.C. §102 Should Be****Withdrawn**

The present Office Action rejects claims 1-18, 20, 29-35, 40 and 42 as being anticipated by Onoe et al. (U.S. Patent No. 5,951,642). Applicants respectfully traverse this rejection and request favorable reconsideration and withdrawal of this rejection. Further, Applicants submit this rejection is rendered moot by the following comments.

The standard for a rejection under 35 U.S.C. §102 is established in M.P.E.P. §2131. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. If an

independent claim is allowable under 35 U.S.C. §102, then any claim depending therefrom is also allowable.

In response to the previous Office Action filed on August 24, 2009 ("the response"), Applicants presented arguments stating that Onoe fails to describe each limitation as recited in at least Independent claims 1, 18, 29 and 34.

More specifically, Applicants respectfully argued that Onoe fails to either expressly or inherently describe "wherein said remote server includes a processing program configured to assign a score to each said recorded Internet access activity," as recited in independent claim 1.

That is, Onoe describes "statistically process[ing] the contents of the viewing information as to the address and the length of viewing time which has been stored in the database" (Onoe, col. 7, lines 47-50), and based on the processing of the information arrives at "calculations of such as the grand total of the total access time and total access frequencies by the genders of the viewer, the age groups of the viewer and the geographic regions of the viewer" (Onoe, col. 7, lines 50-54). As such, it is clear that the time and frequency, referred to by the Examiner in asserting that Onoe describes this limitation, are in fact information collected by the information collection client program of Onoe (Onoe, col. 7, lines 6-13) and are not assigned to the "Internet access activity" as a result of processing the Internet access activity.

Furthermore, the calculations that are derived as a result of processing this data, i.e., grand total of the total access time and total access frequencies by the genders of the viewer, the age groups of the viewer and the geographic regions of the viewer, are not assigned "to each said recorded Internet access activity" and instead are a total value for all of the activity (see for example Onoe, col. 7, lines 55-

65). As such, Applicants argued, Onoe fails to describe or suggest at least "a processing program configured to assign a score to each said recorded Internet access activity" as recited in claim 1.

In response to these arguments, in the current Office Action, the Examiner submits,

"Onoe describes an information collection program collects the information as to which WWW site address was viewed and for how long ... the processing for all of the WWW site addresses of information providers which have been accessed by the information viewer are repeated for each address, and all of the viewing information which relates to the addresses accessed by the information viewer is collected ... then these information are put into a rank order as shown in Figure 4(a) ... As such Onoe discloses assign a score to each said recorded Internet access activity as claimed, and therefore, the claim remains rejected over the cited prior art." (Office Action, pages 2-3).

Applicants respectfully disagree and submit that the reasoning for maintaining this rejection is in error and does not provide sufficient grounds for rejecting claim 1 in view of the prior art. The Examiner states that "processing" is completed for "all of the WWW site addresses of information providers" and information regarding each WWW site is collected (Office Action, pages 2-3). However, assuming this is correct, it still does not describe or suggest "wherein said remote server includes a processing program configured to assign a score to each said recorded Internet access activity," (emphasis added), as recited in claim 1.

Onoe specifically recites that data shown in FIGS. 4(a) and 4(b), which the Examiner equates with the score of claim 1, refer to statistically generated "grand total of total access time and total access frequencies by the genders of the viewer, the age groups of the viewer and the geographic regions of the viewer," and the ranking referred to by the Examiner refers to a ranking of the URL and the corresponding "total viewing time and total viewing frequencies." Therefore, what the Examiner refers to as a "score" as recited, in fact refers to information collected

by the processing system and further refers to total viewing time and total viewing frequencies. Therefore, the information shown in Figure 4(a) of the Onoe reference and cited to the Examiner can not be equated with "a scored [assigned] to each said recorded Internet access activity" and instead refers to a collection of activities sorted by URL address (see Onoe, col. 7, lines 47-67).

For the reasons described above, Onoe fails to describe or suggest each limitation as recited in claim 1.

Furthermore, with respect to amended independent claim 18, Applicants provided arguments stating that Onoe fails to describe or suggest "recording said Internet access activity on a first database located within a remote server, processing said recorded Internet access activity; and transferring said recorded Internet access activity to a second database" as recited.

More specifically, in rejecting claim 18, both in the previous Office Action and the current Office Action, the Examiner suggests that Onoe discloses a first database and second database, because Onoe describes "program collects the information of the information viewer and transmits the viewing information to the database of the information collector's server 3," equated with the first database, and "information processing agent statistically processes the collected information and statistically processed data is put into chart form and provided to the information provider," equated with the second database (current Office Action, pages 3, 6 and 7, previous Office Action, pg. 6). However, the Examiner has equated the reports generated and provided to the information provider with the generating a report and providing the report to the third party recipient as recited in claims 4, 10, 13 and 20 (see current Office Action, pages 3, 6 and 7, previous Office Action, pages 4, 6 and 7).

In response to the previous Office Action, Applicants respectfully submitted that the same element in the prior art can not be equated with two different elements in the claims. Furthermore, Applicants argued that the reports may not be equated with the transferring said recorded Internet access activity to a second database as recited in claim 18 because the report in Onoe does not include the recorded Internet access activity, and instead, includes calculations "such as grand total of the total access time and total access frequencies" (Onoe, col. 7, lines 51-52) or other information such as Access Time, Number of Accesses, Top 3 Ages, Top 3 genders, sent to the information provider in Onoe, which are different than the original information collected by the information collection client program which the Examiner has equated with the Internet access activity as recited in claim 18 (current Office Action, pages 3, 6 and 7, previous Office Action, pg. 3).

In response to the above arguments, in the current Office Action the Examiner maintains the rejection of claim 18 providing the same reasoning as previously provided and traversed by the Applicants in the previous Office Action. Specifically, the Examiner once again states,

"The information viewer collects information as to which WWW site address was viewed and for how long, and transmits this information to the information collector's server 3 ... then the information collector's server 3 processes the collected information, put into chart form and provides to the information provider's server 1" (Office Action, page 3).

Applicants previously presented arguments, summarized above, demonstrating that the cited portions of Onoe fail to describe what is suggested by the Examiner. Specifically, as stated above, the reports may not be equated with the transferring said recorded Internet access activity to a second database as recited in claim 18 because first the reports being transferred are already being equated with another element in the claims and therefore the Examiner is effectively reading out an

element recited in the claims. Further, the report in Onoe does not include the recorded Internet access activity, and instead, includes calculations "such as grand total of the total access time and total access frequencies" (Onoe, col. 7, lines 51-52) or other information such as Access Time, Number of Accesses, Top 3 Ages, Top 3 genders, sent to the information provider in Onoe, which are different than the original information collected by the information collection client program which the Examiner has equated with the Internet access activity as recited in claim 18.

For the reasons described above, Onoe fails to describe or suggest each limitation as recited in claim 18.

Additionally, Applicants respectfully point out that the Examiner has failed to provide any response to these arguments and instead simply repeats the same points previously made and traversed by the Applicants. MPEP section 707.07(f) mandates,

"In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application. Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."

Applicants respectfully submit that the Examiner has failed to answer the substance of Applicants' arguments presented in the previous Office Action, and instead simply repeats the rejection (Office Action, page 3). As such, Applicants submit that the Office Action is not complete and does not provide the Applicants with sufficient filed history and a sufficient opportunity to prosecute the present claims. As such, Applicants respectfully request that a new Office Action be provided that addresses the substance of the above arguments made by Applicants.

As to independent claim 29, in response to the previous Office Action, Applicants respectfully argued that Onoe also fails to disclose a "report includes a

plurality of portions each of said plurality of portions contains a list of said recorded Internet access activity of one of said Internet protocols, and wherein said portions further include a computer link to connect to another portion of said report.” The Examiner, in rejecting claim 29 (rejected for similar reasons as claims 1, 7 and 8), cites to col. 8, lines 35-65 of Onoe asserting that Onoe describes a report that includes at least one portion and said portion includes at least one link to at least one other portion. The cited portion depicts a report as disclosed by Onoe, however, the report does not include any links to any other portion of the report. That is, Onoe fails to describe “wherein said portions further include a computer link to connect to another portion of said report”.

In response to these arguments, the Examiner states,

“Onoe discloses the collected information is summarized in a report form, this report can be summarized as a surfer pursuit report, also Onoe provides an outline of items including in the report [col. 8, lines 30-54]. As can be seen, the outline of items included in the report would enable to access or link to different chart forms as shown in Figures 3-7, 9-12. As such, Onoe discloses the claimed limitation, and therefore, it remains rejected over the cited prior art.” (Office Action, page 4).

Applicants respectfully submit that the reasoning provided by the Examiner does not provide sufficient grounds for maintaining the rejection of claim 29. The Examiner suggests that the report of Onoe can be summarized as a surfer pursuit report and further cites to what he refers to as a report outline which allegedly enables “access or a link to different chart forms.” Applicants submit that the outline provided in Onoe and cited to by the Examiner simply provides a listing of different material which can be included in the Onoe report. The outline is not a feature of the invention, and is instead a part of the manner in which the disclosure describes the invention.

Furthermore, there is nothing in Onoe that suggests that the outline provides any type of access or a link to any report parts as recited. Still further, even

assuming that the outline is a feature of the Onoe report, the Examiner himself states that the alleged outline provides "access or link to different chart forms." This is not what is recited in the claim. Instead the claim recites a "report include[ing] a plurality of portions each of said plurality of portions contains a list of said recorded Internet access activity of one of said Internet protocols, and wherein said portions further include a computer link to connect to another portion of said report." Different chart forms are different than having one report having a plurality of portions including a computer link to connect to another portion of the same report. As such, the Examiner's reasons for maintaining the rejection do not support the contention that Onoe describes each limitation as recited in claim 29.

For the reasons described above, Onoe fails to describe or suggest each limitation as recited in claim 29.

As to claim 34, Applicants submit that for reasons discussed above with respect to claim 29 this claim is also in condition for allowance and respectfully requests such allowance.

As to the rejection of claims 2-17, 20, 30-33, 35, 40 and 42, Applicants submit that they depend from claims which are believed by Applicants to be in condition for allowance.

**Rejection of Claims 21-28 and 36-39 under 35 U.S.C. §103 Should Be  
Withdrawn**

The present action rejects claims 21-28 and 36-39 under 35 U.S.C. §103(a) as being unpatentable over Onoe et al. in view of Linden et al. (U.S. Patent No. 6,912,505). Applicants respectfully traverse this rejection and request favorable



reconsideration and withdrawal of this rejection. Further, Applicants submit this rejection is rendered moot by the foregoing and following comments.

Applicants submit that claims 21-28 and 36-39 depend from claims which are believed by Applicants to be in condition for allowance. Furthermore, Linden also fails to describe or suggest the limitations which are lacking from the Onoe reference. Also, in context, Linden only describes an HTTP based system. As such, these claims are not rendered obvious by the proposed combination.

**Rejection of Claim 41 under 35 U.S.C. §103 Should Be Withdrawn**

The present action rejects claim 41 under 35 U.S.C. §103(a) as being unpatentable over Onoe in view of Tamir et al. (U.S. Patent No. 6,957,390). Tamir is another HTTP based system. Applicants respectfully traverse this rejection and request favorable reconsideration and withdrawal of this rejection. Further, Applicants submit this rejection is rendered moot by the foregoing and following comments.

Initially, Applicants submit that claim 41 depends from claim 1 which is believed by Applicants to be in condition for allowance. Furthermore, Tamir also fails to describe or suggest the limitations which are lacking from the Onoe reference. As such, claim 41 is not rendered obvious by the proposed combination.

Furthermore, Applicants respectfully submits that the above-cited references fail to describe or suggest assigning a score to each said recorded Internet access activity wherein said score provides an indication of whether said Internet access activity is considered an objectionable activity. The Examiner admits that Onoe fails to disclose that the score provides an indication of whether said Internet access activity is considered an objectionable activity and instead relies on Tamir as

disclosing this limitation. Applicants respectfully submit that Tamir also fails to describe what is recited in claim 41.

In asserting that Tamir discloses a score which provides an indication of whether the Internet access activity is considered an objectionable activity, it appears that the Examiner equates the objectionable activity with "the highest running total score" as disclosed in Tamir, citing to col. 19, lines 25-30 of Tamir (Office Action, 11). The cited portion of Tamir, similar to Onoe, describes a "total score" assigned to URL addresses which indicate "by domain name only" and does not describe a score assigned to each said recorded Internet access activity. Furthermore, there is no mention of the score providing an indication of whether said Internet access activity is considered an objectionable activity. Instead, the score in Tamir represents the "user's behavior based on total running scores" and more specifically, "the client application style the user prefers" (see Tamir, col. 19, lines 23-40). As such, the above-cited references fail to disclose each limitation as recited in claim 41 and further fails to render claim 41 obvious.

**CONCLUSION**

Examiner noted that the prior art of record was considered pertinent to Applicants' disclosure. Applicants have reviewed the prior art of record and submit it does not adversely bear on the patentability of the pending claims.

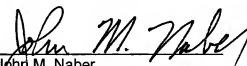
In light of the foregoing, Applicants respectfully submit they have addressed each and every item presented by the Examiner in this Office Action. Favorable reconsideration of all of the claims as amended is earnestly solicited. Applicants submit that the present application, with remarks disclosed herein, is in a condition for allowance and respectfully request such allowance.

In the event any further matters requiring attention are noted by Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

The Patent Office is authorized to charge any fee deficiency or refund any excess to Deposit Account No. 04-1061.

Respectfully submitted,

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John M. Naber  
Registration No. 46,487

FITCH, EVEN, TABIN & FLANNERY  
1120 20th Street, NW; Suite 750-S  
Washington, D.C. 20036  
(202) 419-7000 Main  
(202) 419-7012 Direct  
(202) 419-7007 Fax  
Jnaber@fitcheven.com